

641—11.71(709B) Definitions. For the purpose of these rules, the following definitions shall apply:

“AIDS” means acquired immune deficiency syndrome as defined by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

“Alleged offender” means a person who has been charged with the commission of a sexual assault or a juvenile who has been charged in juvenile court with being a delinquent as a result of actions that would constitute a sexual assault.

“Authorized representative” means an individual authorized by the victim to request an HIV test of a convicted or alleged offender who is any of the following:

1. The parent, guardian, or custodian of the victim if the victim is a minor.
2. The physician of the victim.
3. The victim counselor or person requested by the victim who is authorized to provide the counseling required pursuant to Iowa Code section 141.22.
4. The victim’s spouse.
5. The victim’s legal counsel.

“Convicted offender” means a person convicted of a sexual assault or a juvenile who has been adjudicated delinquent for an act of sexual assault.

“Department” means the Iowa department of public health.

“Division” means the crime victims assistance division of the office of the attorney general.

“HIV” means the human immunodeficiency virus identified as the causative agent of AIDS.

“HIV test” means a positive result for the HIV antibody, a positive result for HIV nucleic acid, a positive result for p24 antigen, or a positive result for HIV virus isolation.

“Petitioner” means a person who is the victim of a sexual assault which resulted in alleged significant exposure, or the parent, guardian, or custodian of a victim if the victim is a minor, for whom the county attorney files a petition with the district court to require the convicted offender to undergo an HIV test.

“Sexual assault” means sexual abuse as defined in Iowa Code section 709.1, or any other sexual offense by which a victim has allegedly had sufficient contact with a convicted or an alleged offender to be deemed a significant exposure.

“Significant exposure” means contact of the victim’s ruptured or broken skin or mucous membranes with the blood or body fluids, other than tears, saliva, or perspiration, of the convicted or alleged offender. “Significant exposure” is presumed to have occurred when there is a showing that there was penetration of the convicted or alleged offender’s penis into the victim’s vagina or anus, contact between the mouth and genitalia, or contact between the genitalia of the convicted or alleged offender and the genitalia or anus of the victim.

“Victim” means a petitioner or a person who is the victim of a sexual assault which resulted in significant exposure, or the parent, guardian, or custodian of such a victim if the victim is a minor, for whom the victim or the peace officer files an application for a search warrant to require the alleged offender to undergo an HIV test. “Victim” includes an alleged victim.

“Victim counselor” means a person who is engaged in a crime victim center as defined in Iowa Code section 236A.1, who is certified as a counselor by the crime victim center, and who has completed at least 20 hours of training provided by the Iowa coalition against sexual assault or a similar agency.